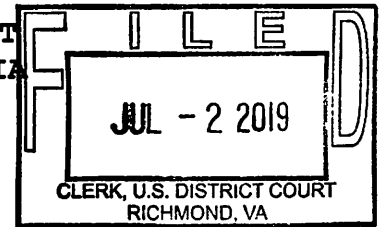


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



RONALD WEAREN,

Plaintiff,

v.

Civil Action No. 3:19CV23

RAPPAHANNOCK REGIONAL JAIL, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on March 18, 2019, the Court conditionally docketed this action. At that time, the Court directed Ronald Wearen to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Winston with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed Wearen to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Winston that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

The March 18, 2019 Memorandum Order was returned to the Court as undeliverable on March 25, 2019. Accordingly, by Memorandum Order entered on May 6, 2019, the Court directed the Clerk to remail the March 18, 2019 Memorandum Order to an alternative address provided by Wearen. The Court directed Wearen to comply with the terms of the March 18, 2019 Memorandum Order within twenty days of the date of entry of the May 6, 2019 Memorandum Order.

Wearen has not complied with the order of this Court. Wearen failed to return the in forma pauperis affidavit and the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Wearen.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Date: *July 1, 2018*
Richmond, Virginia